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ROLAND G. RIOPELLE  
MAURICE H. SERCARZ\*

\* ADMITTED IN NY & NJ

March 10, 2020

**BY ECF**

The Honorable Frederic Block  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

***Re:     United States v. Barca et al., 19 CR 575 (FB)***  
***Richard Martino - Defendant***

Your Honor:

I write to request a modification in the defendant's bail conditions in order to permit him (1) to visit his mother, who is presently confined to a nursing home with symptoms of Alzheimer's disease, on a regular basis; and (2) to accompany his three year old grandson to physical therapy appointments and swim lessons designed to remedy a problem with his legs.

I have consulted with both with AUSA Kayla Bensing and with the defendant's Pretrial Services Office, Leo Barrios. Each of them consents to allow Mr. Martino the modifications described, in detail, in the schedule below:

**Background**

As the Court is aware, on or about December 12, 2019, the defendant was released on bail with conditions including home confinement with monitoring of his whereabouts, phone and computer usage. Blackout periods are limited to attorney visits and necessary medical appointments.

To date, Mr. Martino has been fully compliant with the terms and conditions of his bail.

### **The Application**

Mr. Martino is seeking a modification that will permit him to visit his mother, at the Greenwich Woods Nursing Home. We have requested that Mr. Martino be permitted to visit his mother on Fridays. In order to accommodate travel to and from these visits, Mr. Martino will require a blackout period from 11:30 a.m. to 3:00 p.m.

We are further requesting that Mr. Martino be permitted to accompany his three year old grandson to physical therapy and swim lessons at the following locations, days and times:

- Westchester Therapy Solutions, 4550 Mamaroneck Avenue, Westchester, NY Monday and Thursday from 9:00 a.m. to 9:30 a.m. and Tuesday from 8:30 a.m. to 9:00 a.m. plus one hour of travel time each way.
- The Swim Tank, 45 West Red Oak Lane, West Harrison, NY, Fridays from 10:00 a.m. to 10:30 a.m. Here, again Mr. Martino will require one additional hour of travel time in each direction.

### **Conclusion**

Accordingly, it is respectfully requested that the proposed modification be granted.

Most respectfully,

/s/

Maurice H. Sercarz

cc: All Parties (by ECF)

USPTO Leo Barrios (by email)  
U.S. Pretrial Services